

AYER NO, HOY SI, ¿Y MAÑANA?

Exploring further the issues of legal uncertainty, opacity, and alterations in the entry criteria for the CETI in Melilla.



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Introduction

This article is the result of a reflection triggered by the recent modifications of accessing the CETI (Temporary Center of Immigrants) of Melilla. Indeed, it will describe the context of Melilla and the asylum seekers situation in Spain. Secondly, it will analyze what happened to 17 people from Latin America in the days between the 8th of September and the 13th. Moreover, it will illustrate the constantly occurring police abuse and systemic violence, considering also the feelings that this originates. Lastly, it will consider some reflections on the reality of Melilla and the violation of human rights.

Context

Understanding Melilla, the CETI, and its access challenges: A Closer Look at the Situation

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The Autonomous City of Melilla is a city under Spanish sovereignty surrounded by a 12 km fence that separates it abruptly from the surrounding Moroccan territory. It is one of the two gateways to Europe located on the African continent, the other being Ceuta. Despite the growing police presence - both

Spanish and Moroccan - in the surrounding waters, the arrival of young migrants by unsafe routes is undeniable. Both Ceuta and Melilla have a specific type of facility called CETI (Temporary Center of Immigrants), as mentioned on the governmental website they are **“conceived as provisional first reception devices and intended to provide basic social services and benefits to the group of immigrants and asylum seekers”**. In other words, comprehensive resources that offer lodging, food, training courses, legal advice, healthcare, Spanish classes, etc.

However, theoretical and practical terms in Melilla are not always coherent nor constant, rather based **on arbitrary criteria that respond to political strategies and pressures that overshadow the process of entry to these facilities**. Since the pandemic outbreak and until mid-September 2023, the right of those with Moroccan nationality to access the CETI has been constantly violated.

At first, Moroccans could not access this resource under any circumstances. Gradually, this rule was made more flexible and the guideline established was that only Moroccan asylum seekers who could prove their vulnerability could access this resource. However, according to this criterion, living and sleeping in the streets was not a suf-

¹https://www.mites.gob.es/es/Guia/texto/guia_15/contenidos/guia_15_37_3.htm#

ficient vulnerability, some additional circumstances had to be present: mental health problems, disability, medical issues, etc. Furthermore, the request and denial of access were often done orally and without any explanation of the criteria considered, thus hindering the possibility of filing a complaint. It is also interesting to note that all these aspects had to be accredited and the person's admission was postponed because these documents had to be reviewed. Consequently, the person had to appear numerous times at the door of the CETI before his or her admission was accepted, which was psycho-emotionally exhausting for the person. After numerous legal strategies and complaints to the Ombudsman, access was allowed to persons of Moroccan nationality (without the need to prove any vulnerability) as long as their asylum application had been accepted for processing. In other words, entry was authorized after 1 month and 1 day of having requested asylum, at which time they were legally allowed to leave Melilla and, consequently, they were no longer obliged to stay in the city.

The Dilemma of Asylum Seekers in Spain: Melilla's Unique Role Amidst Legal Limbo

Individuals who need international protection are often left waiting in legal limbo, uncertain of when, or if, they will be able to initiate their asylum application.

Accessing asylum in Spain has grown to be an exceedingly complex and challenging process. **One major issue is the scarcity -or even total lack- of available appointments for asylum seekers.** This lack of accessibility means that individuals who need international protection **are often left waiting in legal limbo, uncertain of when, or if, they will be able to initiate their asylum application.** Asylum seekers are caught in a bureaucratic maze with no end in sight, making it difficult for them to access the resources for asylum seekers being left in a situation



² Judgement C-36/20 PPU, 25 June 2020, the Court (Fourth Chamber)- CURIA - Documentos (europa.eu)



of high vulnerability without access to the safety they seek.

Another significant challenge is the inability to obtain documentation that confirms their intent to apply for asylum. This crucial piece of evidence not only validates their asylum claims but also provides a level of protection while their application is pending. For instance, the lack of this document certifying the intention of seeking asylum exposes them to possible expulsion, which would be absolutely illegal. That is because, according to the Judgement of the Court of Justice (Fourth Chamber) of 25 June 2020, **any individual who manifests their intention to apply for international protection in front of an authority** (judge, police officer, etc), **should be automatically considered as an asylum seeker.**

While authorities often attribute these problems to technical limitations, suspicions

linger about potential political motivations that might underlie the difficulties faced by asylum seekers. The overarching concern is that the fundamental right to seek asylum, stated in both international and Spanish law, is not being effectively upheld. In essence, **these circumstances create a multifaceted challenge for individuals seeking asylum in Spain, effectively denying them access to protection and contradicting the international legal frameworks designed to ensure the safety and support of those fleeing persecution and violence.**

However, Melilla represents one of the few places where it is still possible to arrange an appointment to apply for international protection. For these reasons, over the last few months, Melilla has experienced an increase in the arrivals of asylum seekers coming from the mainland trying to access the procedure. This is notably the case for the people from Latin America.

Facts: what happened

Between Friday 8th and Tuesday 12th of September 2023, 17 people from Latin America, including a 4-year-old child arrived in Melilla due to the scandalous impossibility of obtaining an appointment to apply for international protection on the mainland. Most of these people arrived in Melilla on a regular basis believing that they would be able to resolve their situation in a few days. Some reported that they had previously contacted lawyers who had told them that they already had an appointment with the Melilla office.

Once here, they encountered systemic and verbal violence, discrimination by the border police, and the impossibility accessing the CETI.

After requesting an appointment to apply for international protection, they went to the gates of the CETI, the reception center, where they were told that they would not be able to enter. Faced with this situation, they jointly decided to demonstrate in front of the center. After a long wait, and only at the end of the afternoon, they were told that 9 of the group were allowed to enter, without any explanation as to why the rest could not enter. This left 8 people still in the street, who spent the night in front of the center even though the center had more than 700 free beds.

Finally, the next morning, these people were able to access the CETI in accordance with their rights. The people tell us that they are now well inside the center and that they were able to rest after the terrible situation they were forced into.

A couple of days later, it was announced that also people with Moroccan nationality could enter the CETI. This represented a pivotal change in the CETI's criteria: it means that finally, any person requesting IP can enter without discrimination based on their nationality.

After this news, in collaboration with other organizations in Melilla, we organized a meeting to inform Moroccans of legal age who have applied for international protection that they can enter the CETI. Most of the Moroccan asylum seekers were for a month and a day in a street situation, and only some of them managed to rent small rooms.

In the following days, the first people who got access started to inform the others and the word spread very fast. The information circulating is positive and more people have come to apply for access.

At present, about 224, including Moroccan people who before were homeless, have entered the CETI.



Systemic Violence

The irregular and violent practice by the police occurs on multiple occasions and in various forms as a deterrent technique to prevent the so-called “pull factor”.

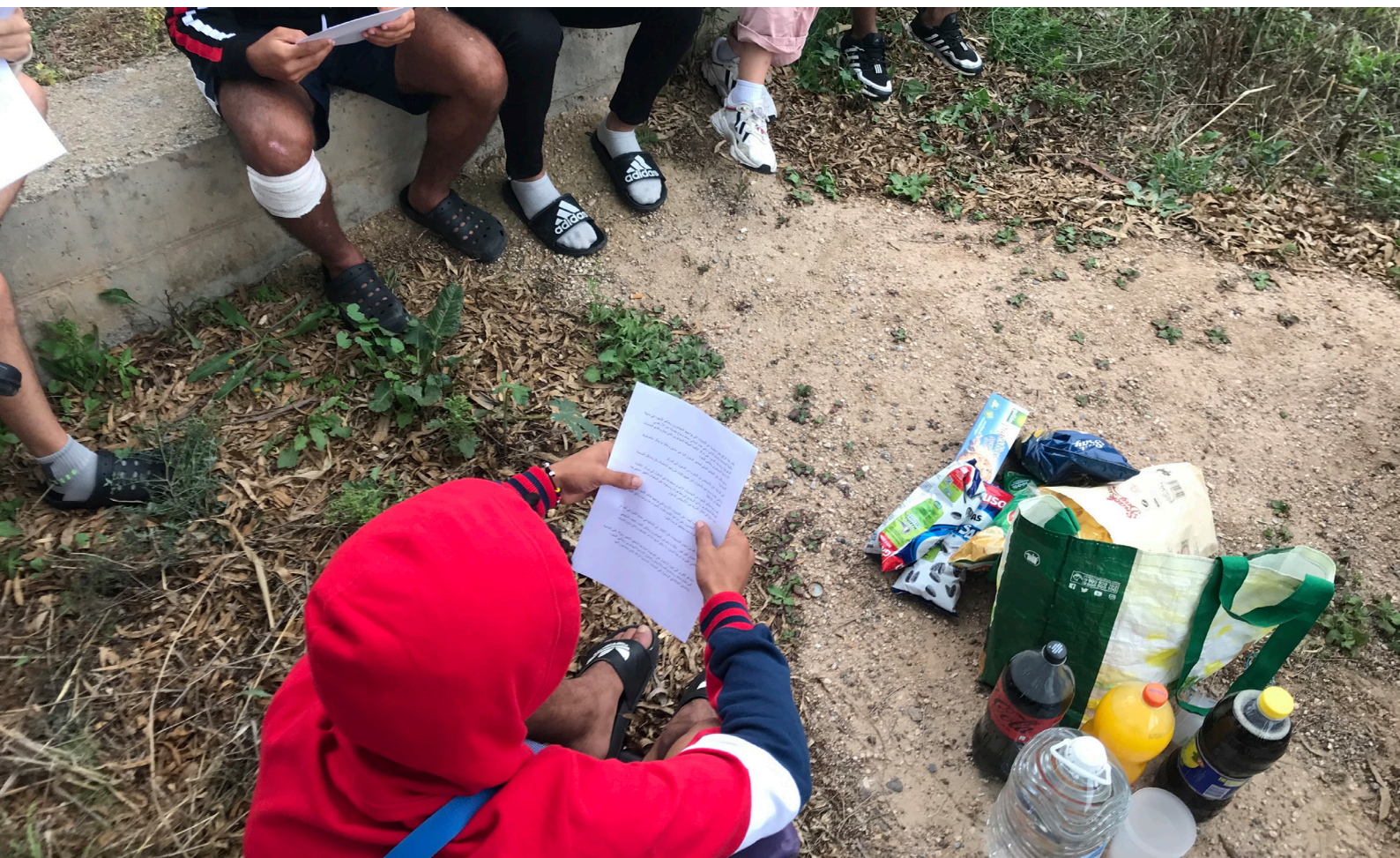
Unfortunately, most of the people from Latin America told us that they experienced systemic and verbal violence by the border police, namely the one who is in charge of international protection management. Indeed, we were able to talk with some of the new residents of the CETI about their experience and here we will reassume some of the conversations with them.

The border police instead of helping them or respecting their necessity, made them feel uncomfortable, nervous and inferior, and their only interest was to know how these people had come to know about the possibility of getting an appointment in Melilla. In the midst of so much violence, we consider it appropriate to relate the case of two women: E. (Venezuela) told us that she was very nervous because she found her-

The border police instead of helping them or respecting their necessity, made them feel uncomfortable, nervous and inferior, ...

self alone with two male police officers who treated her with superiority and arrogance. Indeed, when they found out that she was part of a telegram group where information about the application for international protection was shared, they took advantage of her insecurity to such an extent that they took her phone and sent a message to this telegram group aiming to find out who the administrator was. **A completely irregular and rights-violating procedure was carried out.**

On the other hand, A. (Peru) told us that, crying with anguish, she begged the police to give her an appointment for international protection before the 26th of September, the expiry date of her visa; the police, in a sarcastic tone, asked her what would happen if they gave her the appointment later, and in the end, they gave her the appointment



The irregular and violent practice by the police occurs on multiple occasions and in various forms as a deterrent technique to prevent the so-called “pull factor”.

for the 3rd of October when others had got it earlier. **The irregular and violent practice by the police occurs on multiple occasions and in various forms as a deterrent technique to prevent the so-called “pull factor”.**

On their part, Moroccan individuals have also faced constant discrimination and systemic violence. On multiple occasions, they have been rejected at the doors of the CETI in a derogatory manner. On one occasion we accompanied a young Moroccan in his application for entering the CETI. He had mental health problems and a high risk of vulnerability living in the street. We sent an email to the director of the center who answered that they would consider the application, but in the end, they denied his access. **He had to stay in a situation of homelessness exposed, like many others, to the outbreaks of violence of the streets.**

Feelings of the People

It is deplorable to acknowledge that all these people have to suffer and fight extremely in order to have their dignity and human rights respected.

From the conversations with the Latin American people, it emerged that they all share feelings of being treated as people of less importance as well as ignored and inferior. They confess that their journey was characterized by feelings of vulnerability, discomfort, fear, tension, and anxiety. The police border being so arrogant had made them feel scared and powerless. The fact that they were practically forced to spend

a night on the street made them feel lonely, abandoned, and neglected.

Furthermore, they shared a sense of frustration due to the lack of explanations they received regarding what had occurred. **No one had ever justified or taken responsibility for the violence to which they were exposed.** Even during their time inside the center, they did not receive any explanations as to why they had not been allowed to enter in the first place. **They also felt deceived and violated by the lies told by the Ministry about the incident.** According to information published in various media outlets, the Ministry claimed that only six people were granted access to the CETI because the rest did not have an appointment to apply for asylum. **This was a falsehood, as all the individuals who applied for access and were present in front of the CETI already had appointments³.**

Chiefly, D. (Colombia) during our interview decided to share some of his thoughts. D. (Colombia) grapples with intense negative emotions during this time journey, feeling like an outsider in an elitist country. He is burdened by the sacrifices he made, leaving his home and family for a chance at a better life, only to endure discrimination and hardship in Spain. He perceives a lack of empathy from Europeans and experiences frustration and anger, especially towards the societal differences he encounters. He asks Europeans to be kinder and more human, at the end he was only born on the other side of the world. He tells us that his tattoo of a Mexican skull is a reminder that when we die we are all dust. Despite these challenges, D. finds solace in the kindness of certain individuals he meets and the invaluable support of his family. He appreciates the simplicity of life, valuing basic needs like food and shelter. D. remains grateful to God for his life and draws strength from caring for his family, particularly after the loss of his mother. He holds onto the belief that

No one had ever justified or taken responsibility for the violence to which they were exposed.

his struggles will ultimately lead to the happiness and well-being of his loved ones.

On the other hand, it is equally important to remember and recognize the challenges that Moroccans have faced. Indeed, it is essential to report the reactions of Moroccan people when they were informed about the possibility of accessing the CETI. During the meeting, many young people expressed their doubts, indicating a significant level of mistrust towards the CETI. In fact, the most unsettling and disgraceful aspect of the situation was that the Moroccan people had seldom been given access, except in extraordinary situations. Moreover, the constant discrimination against them highly increased their distrust, fear and confusion toward the system, the authorities and consequently the CETI. In fact, it was only after a comprehensive explanation of what the CETI is that they began to comprehend it. Furthermore, once clarified their doubts, **when we informed them that there were, in fact, 700 available beds, they were exceedingly surprised and frustrated. They couldn't comprehend why so many people had to endure homelessness while there were so many unoccupied spaces.**

³ "The Ministry assures that six people in this situation were allowed access to the CETI last Monday, but not the rest, as they still did not have an appointment to apply for asylum. "The criteria for access are that they intend to apply for international protection and that they are vulnerable people", explains Inclusión. When those affected got their appointment, they have been able to access the CETI, they point out."- Martín, J. V. (2023, 15 September). From Latin America to Melilla to seek asylum given the difficulty of doing so in the rest of Spain. Público. <https://www.publico.es/sociedad/america-latina-melilla-pedir-asilo-dificultad-hacerlo-resto-espana.html>

Reflections and Conclusions


Despite recent advancements signifying progress, we firmly denounce the necessity for such progress to manifest only in the wake of demonstrations that exert pressure on the existing system, often requiring heightened media attention. This dependency on external pressures is profoundly unacceptable, underscoring an underlying systemic issue. It reveals a crucial insight: there have been prior failings to consistently address these issues, compelling us to persistently advocate and expose preceding inadequacies.

Furthermore, we express our strong objection to the lack of transparency and clarity regarding the admission process into the Temporary Stay Center for Immigrants (CETI). **The absence of clearly defined and accessible criteria for admission is a matter of deep concern.** Currently, a definitive and accessible document elucidating the admission criteria is conspicuously lacking, leaving stakeholders and the public uninformed about the foundational principles that govern this critical process. This opacity in

the admission procedures raises questions about fairness, equity, and the potential for biased decision-making. **A transparent and explicit delineation of admission criteria is fundamental for ensuring accountability and promoting equitable access to essential services for those in need. It is imperative that this transparency deficit be promptly rectified to foster a system based on fairness, accountability, and openness.**

In conclusion, the situation in Melilla and in the mainland underscores the need for systemic reform and transparency in the process for asylum seekers. Recent experiences of individuals from Latin America and Moroccan nationals highlight the challenges they face in accessing international protection.

Thus, we must continue to advocate for clear and transparent admission criteria to ensure equal access to essential services. Upholding the fundamental right to seek asylum, as outlined in international and Spanish law, is essential. This journey may be challenging, but **it is a collective responsibility to protect the rights and dignity of people on the move in Spain.**

A photograph of a detention facility, likely the CETI in Melilla. The image shows a tall, dark metal watchtower with a spiral staircase on the right side. In the foreground, there is a chain-link fence supported by wooden posts. The background is a clear sky with a hint of sunset or sunrise. A yellow text box is overlaid on the image.

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